

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOUGLAS EL

Plaintiff,

v.

SEPTA

Defendant.

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CIVIL ACTION

NO. 02-CV-3591

Before the Honorable J. Curtis Joyner  
United States District Judge

**STIPULATION FOR EXTENSION OF TIME  
TO RESPOND TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT  
DUE TO FAILURE OF THIRD PARTIES TO PRODUCE ESSENTIAL DISCOVERY**

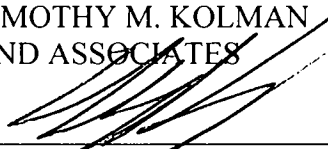
It is hereby stipulated as follows between counsel for Plaintiff and Defendant:

1. Plaintiff's response to Defendant's motion for summary judgment is currently due no later than March 15, 2004.
2. The parties have made a thorough, ongoing and diligent effort to conduct all required discovery relevant to the motion for summary judgment.
3. However, several third parties from whom essential discovery has been sought by Plaintiff have refused to produce same to any extent and have repeatedly ignored subpoenas for documents and testimony.
4. Other third parties have refused to produce essential information in a timely manner in response to subpoenas.
5. Several motions addressing the aforesaid failure of third parties to produce essential information are pending before the Court, and the Court has already entered at least one order to compel which has gone ignored by the third party to whom it is addressed, necessitating still another motion against that party.
6. Much of the information sought by Plaintiff from third parties is in their exclusive possession, and Plaintiff cannot obtain that information from Defendant. Defendant also wishes to obtain this information.

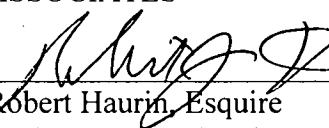
7. Given the ongoing difficulties encountered in obtaining required discovery from third parties, the parties have stipulated and agreed, pending the approval of the Court, that Plaintiff may have a ninety (90) day extension (through June 14, 2004) to file his response to the motion, and complete third party discovery.

8. A prior extension of time was granted by the Court to allow Plaintiff to complete discovery relevant to the summary judgment motion. Immediately after that extension was granted, Plaintiff issued the discovery it required of Defendant (several discovery requests have been issued between the parties, they have answered same and are continuing to complete their inter-party requests as discovery between them is ongoing). However, while the parties have engaged in ongoing and continuing discovery, Plaintiff has encountered severe difficulties obtaining required information from the third parties to whom he issued subpoenas for information he requires to allow his expert statistician and criminologist to complete their expert reports.

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The foregoing Stipulation is hereby APPROVED as an Order of the Court.

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The Honorable Curtis D. Joyner